

This Calendar Item No. C22 was approved as
Minute Item No. 22 by the California State Lands
Commission by a vote of 3 to 0 at its 4-17-06
meeting.

CALENDAR ITEM C22

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04/17/06

PRC 3554

WP 3554.1

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M. Hays

GENERAL LEASE-RECREATIONAL USE

APPLICANTS:

Andrew MacKenzie, as Trustee of the MacKenzie Family 1994 Trust;
R. Alan Cotton and Cynthia A. Cotton; Mary Louise Banta, as Trustee of the
Mary Louise Banta 1997 Trust; and Michael Griffus and Melissa Griffus, Trustees
of the Michael and Melissa Griffus Trust dated January 14, 2002

LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Canelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of a previously authorized existing pier,
boathouse with boat lift and sundeck, and the retention of two existing mooring
buoys not previously authorized by the Commission as shown on the attached
Exhibit A.

LEASE TERM:

Ten years, beginning May 1, 2006.

CONSIDERATION:

Sundeck: \$59 per annum; with the State reserving the right to fix a different rent
periodically during the lease term, as provided in the lease.

Pier, boathouse with boatlift and two mooring buoys: No monetary consideration
pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

This lease is conditioned on the Applicants obtaining authorization from
the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within
two years after the adoption of the Lake Tahoe Shorezone Amendments-

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Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On May 1, 1981, the Commission authorized to MIDCOPP, a Nevada Corporation, a General Lease-Recreational Use that expired on June 30, 1991. Since the lease has been in holdover status, MIDCOPP has transferred it's ownership over a period of years to the Applicants. The rent is current and the Applicants are now applying for a new lease.
3. Pursuant to Public Resource Code section 6503.5, Applicants do not qualify for rent free status because the sundeck is not used for the docking and mooring of boats. The existing pier, boathouse with boat lift and two mooring buoys do qualify for rent free status pursuant to Public Resource Code section 6503.5.
4. **Existing Pier, Boathouse, Boat lift, and Sundeck:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. **Buoys:** Pursuant to the Commission's delegation of authority and the State CEQ Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of

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Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING PIER, BOATHOUSE, AND BOAT LIFT, AND SUNDECK:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

EXISTING PIER, BOATHOUSE, BOAT LIFT, SUNDECK AND BUOYS:
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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AUTHORIZATION:

AUTHORIZE ISSUANCE TO ANDREW MACKENZIE, AS TRUSTEE OF THE MACKENZIE FAMILY 1994 TRUST; R. ALAN COTTON AND CYNTHIA A. COTTON; MARY LOUISE BANTA, AS TRUSTEE OF THE MARY LOUISE BANTA 1997 TRUST; AND MICHAEL GRIFFUS AND MELISSA GRIFFUS, TRUSTEES OF THE MICHAEL AND MELISSA GRIFFUS TRUST DATED JANUARY 14, 2002, OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING MAY 1, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOATHOUSE, BOAT LIFT AND SUNDECK, PREVIOUSLY AUTHORIZED BY THE COMMISSION AND THE RETENTION OF TWO EXISTING MOORING BUOYS, NOT PREVIOUSLY AUTHORIZED BY THE COMMISSION, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$59 FOR THE SUNDECK, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 FOR THE PIER, BOATHOUSE, BOAT LIFT, AND TWO MOORING BUOYS; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

